

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	MM Docket No. 99-25
)	
Creation of a Low,)	RM-9208
Power Radio Service)	RM-9242
)	

NOTICE OF PROPOSED RULE MAKING

Comments of Dynamic Radio Broadcasting Corporation

I, Jose Jaime Garcia, Jr., Vice President of Dynamic Radio Broadcasting Corporation feel compelled to file comments on the proposed new Low Power FM frequencies.

My father, Jose Jaime Garcia, Sr. first entered the world of broadcasting on September 1, 1952 at KXTN in Austin, Texas. It was an AM station that carried a broad mix of programming that served many portions of the Austin community. He served as a translator of copy for commercials that were to run in Spanish on the station.

His career spanned some 24 years before he himself led a group of investors that came to own KMXX, Austin's first full-time Spanish language radio station. This was largely possible because of the implementation of the minority and female preference that had become law in the prior years. For our purposes, this rule served our group, composed 100% of Hispanic individuals very well. KMXX was sold in 1982 and our group went on to purchase KELG, in 1989 was granted a CP for KKLK, purchased KTXZ in 1995 and was just granted an allocation for channel 293 in Llano, Texas.

Later, the rules were challenged and both the female and the minority preference were dropped and the auction rules were established. Nonetheless, I fully support the auction rules as they are proposed.

However, the implementation of Low Power FM frequencies will have a devastating effect on independent operators in existing markets. These stations will be faced with additional competition for listeners from stations with substantially lower overhead cost. If the intent of the commission is to foster growth for additional voices, I truly believe that it will come at the expense of small independent operators. These independent stations may in fact end up in the hands of the mega operators at distress sale prices as a result of the newly

implemented FM frequencies.

I suggest, with the strongest vigor that before the Commission allows any changes for the allocation of Low Power FM frequencies, that it first make major changes in the current rules that would standardize all rules for allocations and upgrades. This would allow existing stations to have the opportunity to upgrade their facilities to the maximums possible, in order to better compete with mega operators. Currently, allocations and upgrades are subject to different rules and it creates inequities that are unfair.

In addition, I also believe that Low Power FM frequencies should be restricted to 100 Watts or less, at a height of no more than 50 feet. And no commercial advertising or sponsorships should be allowed. Further, any sale of a Low Power FM allow the operator to sell the assets of the station for no more than has been invested in the station. This would eliminate speculation and fraud.

I do not support the efforts of the Commission to establish Low Power FM frequencies, however, if the Commission is on a track that is inevitable, then I believe that it must act responsibly to protect the interest of small radio operators.

Respectfully Submitted,

Dynamic Radio Broadcasting Corporation

By

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